

HOUSE No. 2216

The Commonwealth of Massachusetts

PRESENTED BY:

Robert F. Fennell

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act To Provide Additional Protection To Local Housing Authority Residents and Local Housing Authority Property From Entry By Persons After Being Forbidden As Trespass.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Robert F. Fennell	10th Essex
Christine E. Canavan	10th Plymouth
David B. Sullivan	6th Bristol
Paul McMurtry	11th Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO PROVIDE ADDITIONAL PROTECTION TO LOCAL HOUSING AUTHORITY RESIDENTS AND LOCAL HOUSING AUTHORITY PROPERTY FROM ENTRY BY PERSONS AFTER BEING FORBIDDEN AS TRESPASS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Chapter 121 B of the Massachusetts General Laws is hereby amended by striking Section 32 C in its entirety and inserting in its place the following:

Section 32 C Local housing authorities may prohibit access to public housing developments a person who is not a member of a tenant household has, on or near a public housing development or a subsidized housing development:

(a) caused serious physical harm to a member of a tenant household or employee of the landlord or any other person lawfully on the premises of the housing authority;

(b) intentionally and willfully destroyed, vandalized, or stolen property of a member of a tenant household or of the landlord or any other person lawfully on the premises of the housing authority;

(c) intentionally and willfully destroyed, vandalized, or stolen property of a member of a tenant household or of the landlord or any other person lawfully on the premises of the housing authority and attempted to seriously physically harm a member of a tenant household or employee of the landlord or any other person lawfully on the premises of the housing authority;

(d) possessed or carried a weapon in violation of section 10 of chapter 269 or possessed or used an explosive or infernal machine, as such as defined in section 102A of chapter 266 with the exception of fire-crackers or violated any other provision of section 101, 102, 102A or 102B of said chapter 266;

(e) unlawfully sold or possessed with intent to distribute a controlled substance as established as Class A, B, C, or D in section 31 of chapter 94C; or

(f) committed or threatened to commit a battery upon a person or damaged or repeatedly threatened to commit damage to the property of another for the purpose of intimidation because of the person's race, color, religion, or national origin or on account of the person's participation in an eviction proceeding; the landlord of such premises may bring a civil action for injunctive or other appropriate equitable relief in order to prohibit the person from entering or remaining in or upon the public or subsidized housing development, unless there is cause to believe that such unlawful conduct is unlikely to continue or to pose a serious threat to the health or safety of the development, the tenant households at such development, or the employees of the landlord.

Local housing authorities may prohibit access to public housing developments or remove persons from public housing developments who have undertaken the herein stated conduct by personally communicating to said person or persons by a police officer or other person in charge thereof a request to leave the premises.

Whoever knowingly, regardless of his or her intent, enters or remains in or upon the premises of a public housing development and defies an order not to enter or remain upon the premises of the public housing development or subsidized housing development that was personally communicated by a police officer or other person in charge thereof shall be subject to the penalties as stated in M.G.L. Chapter 266, Section 120.

A person who is found committing such trespass may be arrested by a sheriff, deputy sheriff, constable or police officer and kept in custody in a convenient place, not more than twenty-four hours, Sunday excepted, until a complaint can be made against him for the offence, and he be taken upon a warrant issued upon such complaint.